



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING CHANGE REPORT

Meeting Date: February 3, 2014

Table A. Summary			
Application Summary			
Case Number	Z1300026	Jurisdiction	City
Applicant	Teague-Hankins Development Corp	Submittal Date	September 9, 2013
Reference Name	Ellis Road Residential	Site Acreage	15.53
Location	1443 Ellis Road, east side of Ellis Road and south of Rada Drive		
PIN(s)	0830-01-90-4111		
Request			
Proposed Zoning	Planned Development Residential 7.341 (PDR 7.341)	Proposal	90 townhouses
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation		Low Density Residential, 4 DU/Ac. or less	
Existing Zoning	Residential Suburban – 20 (RS-20)		
Existing Use	Single-family residential		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
Staff	Staff determines that, should the plan amendment be approved, this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Approval 12-0 on December 10, 2013. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a 15.53-acre parcel from RS-20 to PDR 7.341 for 90 townhouses. The site is located at 1443 Ellis Road, on the east side of

Ellis Road south of Rada Drive (see Attachment 1, Context Map). This request is not consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Low Density Residential (4 DU/Ac. or less). A plan amendment, case A1300008, has been requested to change the future land use to Low-Medium Density Residential (4-8 DU/Ac.). Staff is supporting this request.

Appendix A provides supporting information.

B. Site History

There have been no recent zoning map change requests for this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR district (Sec. 3.5.6.D, and Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards. These commitments (see Table D5, Summary of Development Plan) include housing type and road improvements along Ellis Road.

Graphic Commitments. Graphic commitments have been proffered which identify the location of the tree preservation areas, location of site access points, location of a potential stream crossing, and the building envelope.

Design Commitments. Nonresidential and multifamily projects require design commitments when requesting a zoning map change with a development plan. Through the design commitments of this project the applicant has committed to roofline types and building materials. A more detailed summary is provided in Table D5, Summary of Development Plan.

Determination. The requested PDR zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning district and associated development plan is not consistent with the Future Land Use Map. However, should the plan amendment be approved the request would be consistent with the *Comprehensive Plan*.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6. A proposed bicycle lane along Ellis Road is shown as a recommendation of the Long Range Bicycle Plan Map 4.6. The applicant has proffered right-of-way dedication and asphalt widening along Ellis Road to accommodate the bicycle lane.

F. Site Conditions and Context

Site Conditions. The 15.53-acre site is located at 1443 Ellis Road, south of Rada Drive and north of So Hi Drive. This single-parcel site has frontage on both Ellis Road and NC 147 Highway. There is a residential structure in the northwest corner of the site and a farm pond is just south of that along the Ellis Road frontage. Two tributary streams and associated wetlands and steep slopes associated with Northeast Creek run north-south as well as a power line easement. Except for clearing in the vicinity of the residential structure, the site is forested.

Area Characteristics. The site is in the Suburban Tier with close proximity to NC 147 Highway lending quick access throughout the Triangle region. There are a variety of uses in the vicinity including industrial, multi-family and a mix of large-lot and small-lot single-family residential. The more intense development is to the south of the site around the Ellis Road and NC 147 Highway interchange. The north boundary of Research Triangle Park, a major employment center, is just ¼ mile south of the subject site.

The surrounding zoning districts include Residential Rural (RR), RS-20, Residential Suburban – Multifamily with a development plan (RS-M(D)), Office Institutional with a development plan (OI(D)), Industrial Light (IL), and Planned Development Residential 4.840 (PDR 4.840).

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed PDR district meets the ordinance and policy requirements in relation to development on the subject site. Approval of a maximum of 90 townhouse units for the site would provide additional residential choices in an area close to employment centers and the regional transportation network.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed PDR district and associated development plan is consistent with *Comprehensive Plan* policies regarding infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to increase the traffic generation of the subject site by 330 daily trips, increase the students generated from the proposed use by one student, and increase the estimated water demand of the site by 5,715 gallons per day. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and applicable policies and ordinances. If the requested PDR zoning designation were approved, the development plan would further establish the development potential of the proposed development.

The development of additional housing units along a major thoroughfare, with ready access to the greater Triangle roadway network and employment opportunities is supportable.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Jarrod Edens, PE, Edens Land Corp.	Ph: 919-706-0550	Jarrod.edens@edensland.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime – District 4
- Northeast Creek StreamWatch
- Fayetteville Street Planning Group
- Unity in the Community for Progress
- Friends of Durham
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – Town of Cary

K. Summary of Planning Commission Meeting December 10, 2013 (Case Z1300026)

Zoning Map Request: Request RS-20 to PDR 7.341, 90 townhouses.

Staff Report: Ms. Jacobson and Ms. Wolff presented the staff reports.

Public Hearing: Chair Jones opened the public hearing. One people signed up to speak, one person spoke in support and no one spoke in opposition. Chair Jones closed the public hearing.

Commission Discussion: Much discussion was centered on the wetland. An email was sent in reference to the plants and animals on site, but no indication this project would pose any danger to the plants or animals.

Motion: Approval of the Zoning Case Z1300026. (Mr. Harris, Mr. Smudski 2nd).

Action: Motion carried, 12-0

Findings: The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Submittal and Review History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> 6. Planning Commissioner's Written Comments 7. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
PDR	Planned Development Residential - the PDR district is established to allow for design flexibility in residential development. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.3.B.1	4	15.53
Residential Density (maximum)	6.11.3.C	Specified on plan	7.341 (DU/Ac.)
Maximum Height (feet)	6.11.3.C.3	35	35
Minimum Street Yard (feet)	6.11.3.E.1	8	8

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	20% (3.04 acres)	20% (3.04 acres)
Stream Protection (buffer in feet)	8.5.4.B	50	50
Steep Slopes	8.8.5	15% density credit (0.013 acres)	15% density credit (0.013 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-20	0/0	None
East	PDR 4.840	N/A (right-of-way greater than 60 feet)	None
South	OI(D)	0.2/0.6	0.2 (10 feet)
West	RR	N/A (right-of-way greater than 60 feet)	None

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 90 units	D-2
	Building/Parking Envelope is appropriately identified	D-2
	Project Boundary Buffers are appropriately shown	D-2
	Stream Crossing. One potential stream crossing shown.	D-2
	Access Points. Three (3) access point have been identified.	D-2
	Dedications and Reservations. See Text Commitments below.	Cover, D-2
	Impervious Area. 70% = 10.63 acres	D-2
	Environmental Features. Stream, wetlands, steep slopes	D-1, D-2
	Areas for Preservation. Stream buffer and tree preservation as shown.	D-2
	Tree Coverage. 20% (3.04 acres) as shown.	D-2
Graphic Commitments	Location of tree preservation area. Location of access points. Location of potential stream crossing. Building envelope.	D-2
Text Commitments	<ol style="list-style-type: none"> 1. The proposed development will be limited to townhouses and accessory uses. 2. Prior to the issuance of a building permit: dedicate additional right-of-way for the frontage of the site along Ellis Road to provide a minimum of 50 feet of right-of-way as measured from the centerline of Ellis Road. 3. Prior to the issuance of any Certificate of Occupancy: construct a southbound left-turn lane with adequate storage and appropriate tapers on Ellis Road at Site Access #1. 4. Prior to the issuance of a Certificate of Occupancy: a minimum of four feet of additional asphalt (in addition to the proposed roadway improvements) will be provided for the full frontage of the site along the west side of Ellis Road. The additional asphalt widening will be provided to allow for a bicycle lane. 	Cover
SIA Commitments	None provided	N/A

Table D5. Summary of Development Plan		
Design Commitments (summary)	<p><u>Architectural Style</u> Design elements associated with the minimal traditional style will be used: front facing accent gables, panel shutters and a mix of exterior building material types on the overall structure.</p> <p><u>Roofline</u> Hipped gabled or shed roofs, singly or in combination.</p> <p><u>Building Materials</u> One or two of the following: brick, block, stone, EIFS, wood, vinyl, or fiber cement/cementitious cladding.</p> <p><u>Distinctive Features</u> As described in “Architectural Style” above.</p> <p><u>Design Transition to Context Area</u> Provide infill between higher density residential/office uses to the south in the RTP area and low density single family residential uses in the north.</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	<p>Low Density Residential (4 DU/Ac. or less): Land primarily used for a range of residential uses at four dwelling units an acre or less.</p> <p>Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p>
2.2.2a	Suburban Tier Development Focus: Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
2.3.2a	Infrastructure Capacity. Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.

Table E. Adopted Plans	
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
8.1.4p	New Bicycle Routes: Wherever possible, incorporate recommended bike lanes or wide shoulders during street resurfacing or reconstruction and convert railroad corridors to bikeways.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
Long Range Bicycle Plan	
Map 4-6 shows a proposed bicycle land along Ellis Road.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single-family residential (appears abandoned)	RS-20, RS-10	None
East	Vacant	PDR 4.840	None
South	Multi-family residential	OI(D)	None
West	Forestry, single-family residential	RR	None

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Ellis Road is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments		Ellis Road
Current Roadway Capacity (LOS D) (AADT)		10,700
Latest Traffic Volume (AADT)		3,700
Traffic Generated by Present Designation (average 24 hour)*		257
Traffic Generated by Proposed Designation (average 24 hour)**		587
Impact of Proposed Designation		+330

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

Ellis Road: 2-lane undivided city/county class II arterial roadway without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RS-20: 27 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 7.341: 90 townhouses

Table G2. Transit Impacts
Transit service is not provided within one-quarter mile of the site.

Table G3. Utility Impacts
This site will be served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate 10 students. This represents an increase of one student over the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20 th Day Attendance (2012-13 School Year)	16,150	7,212	9,476
Committed to Date (April 2010 – March 2013)	432	151	88
Available Capacity	1,933	1,126	1,414
Potential Students Generated – Current Zoning*	4	2	3
Potential Students Generated – Proposed Zoning**	5	2	3
Impact of Proposed Zoning	+1	0	0

*Assumption- (Max Use of Existing Zoning) – RS-20: 27 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 7.341: 90 townhouses

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 9,900 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 5,715 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	23.33 MGD
Approved Zoning Map Changes (April 2010 – March 2013)	0.70 MGD
Available Capacity	12.97 MGD
Estimated Water Demand Under Present Zoning*	4,185 GPD
Potential Water Demand Under Proposed Zoning**	9,900 GPD
Potential Impact of Zoning Map Change	+5,715

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RS-20: 27 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 7.341: 90 townhouses

Appendix K: Summary of Planning Commission Meeting

Attachments:

6. Planning Commissioner's Written Comments
7. Ordinance Form